

**TWENTY-SECOND DAY**

(Monday, February 21, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Absent**

Weinert

**Absent—Excused**

Bell

Colson

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator McDonald, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 17, 1949, was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senator Colson was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senator Bell was granted leave of absence for today on account of important business on motion of Senator Proffer.

**Reports of Standing Committees**

Senator Morris submitted the following report:

Austin, Texas,  
February 21, 1949.

Hon. Allan Shivers, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 22, have had same under consideration, and I am instructed to report

it back to the Senate with the recommendations that it do not pass but that Committee Substitute for S. B. No. 22 do pass in lieu thereof, and be printed.

MORRIS, Chairman.

C. S. S. B. No. 22 was read first time.

Senator Aikin submitted the following reports:

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 129, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 155, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 197, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 222, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 232, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 28, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Carney submitted the following reports:

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 182, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 256, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 225, have had same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 218, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 215, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 149, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 98, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 94, have had same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 227, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 151, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 111, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 326, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game

and Fish, to whom was referred H. B. No. 332, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 325, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 277, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 278, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 231, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 314, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
February 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to who was referred H. B. No. 302, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 195, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 196, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 224, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

#### Senate Concurrent Resolution 18

Senator Kelley of Hidalgo offered the following resolution:

S. C. R. No. 18, Endorsing the efforts of the Gorgas Hall of Fame Committee of the State of Alabama to have the name of Dr. William Crawford Gorgas inscribed in the New York Hall of Fame for Great Americans.

Whereas, The Gorgas Hall of Fame Committee of the State of Alabama is proposing that the name of the late William Crawford Gorgas, Major General, Medical Corps of the United States Army, shall be inscribed in the New York University Hall of Fame for Great Americans; and

Whereas, On June 6, 1880, Dr. William Crawford Gorgas, at the age of 26, was commissioned First Lieutenant, Medical Corps of the United States Army; and was assigned to duty August 11, 1882, as Post Surgeon at Fort Brown, Texas, adjoining the city of Brownsville, Texas, in response to urgent pleas from the civilian population of Brownsville for help with the virulent yellow fever epidemic at Brownsville and Matamoros during that year. In saving the lives of many civilians, (including that of the lady he afterward married), he contracted yellow fever, from which he suffered from October 4, 1882, until November 11th of the same year; and, as a result of his immunity to yellow fever, thus acquired, and experience gained as Post Surgeon at Fort Brown from August 11 to December 12, 1882, and from December 28, 1882, until August 23, 1884, he made a thorough study of the causes and prevention of that most dreaded tropical disease, to such good effect

(a) That within the eight months period from February 1, 1901, to September 15, of the same year, after contributing to the study and development of the "Walter Reed Theory" as to cause of, and means of eradicating, yellow fever, Doctor Gorgas, by his enthusiasm, his staunch belief in the methods used; and through his personal initiative, industry, and energy, eradicated yellow fever from the City of Havana, Cuba, where it had been endemic for a period of more than 150 years; and established medical sanitation as the sure and only scientific method for combatting yellow fever, and other tropical diseases;

(b) When yellow fever broke out in Laredo, Texas, in the autumn of 1903, use of the sanitary technique and methods, planned and used by Doctor Gorgas, soon brought the Laredo epidemic under control; with the result

that continued use of the methods of sanitation as organized and planned by Doctor Gorgas destroyed the stegomyia, the house, or yellow fever-bearing, mosquito; and in time, the anopheles, or malaria propagating mosquito; since which time there have been no yellow fever epidemics in Texas, and malaria has been brought under control; thus destroying, or neutralizing, two of the most deadly enemies of the human race;

(c) In less than two years, and in the face of unreasonable and almost insurmountable local opposition, Doctor Gorgas transformed the Isthmus of Panama from the charnel house of death and disease, which it had been for nearly 400 years, to one of the healthiest spots in America; and thereby made possible the building of the Panama Canal;

(d) Doctor Gorgas, although a General in the American Army, considered primarily as an instrument of death and destruction, has been directly responsible for saving more lives than any other human being (with the possible exception of the immortal Pasteur) through his achievements in the field of sanitation and preventive medicine:

Therefore, Be It Resolved, by the Senate of Texas, the House of Representatives concurring: (a) That we believe any one or all of the foregoing accomplishments should entitle the name of General Gorgas to be inscribed in the Hall of Fame for Great Americans; (b) That we endorse and approve the effort of the Gorgas Hall of Fame Committee of the State of Alabama, to endeavor to have the name of Doctor William Crawford Gorgas inscribed in the New York Hall of Fame for Great Americans; and,

Be It Further Resolved, That a copy of this Resolution, signed by the President and Secretary of the Senate and the Speaker and the Chief Clerk of the House of Representatives, with the Seal of the State of Texas thereon, be mailed to the Gorgas Hall of Fame Committee, c/o Thomas W. Martin, Vice-Chairman, President of Alabama Power Company, Birmingham, Alabama, for whatever uses it may see proper to make.

The resolution was read.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the resolution was considered immediately and was adopted.

### Senate Concurrent Resolution 19

Senator Moore offered the following resolution:

S. C. R. No. 19, Creating a committee to be known as "the Insurance Code Committee" to adopt more desirable insurance codes.

Whereas, The unprecedented development of the State's economy has greatly expanded the business of insurance in volume and in kinds and forms of coverage demanded by the insuring public; and

Whereas, The present laws relating to insurance are in many respects inadequate for the most efficient operation of the insurers and for the full protection of the public, and in other instances are overlapping, ambiguous, disconnected, and inconsistent; and

Whereas, Jurisdictional uncertainties have arisen out of the United States Supreme Court decision that the business of insurance transacted across State lines is interstate commerce within the meaning of the Federal Constitution; and

Whereas, Several of the States have recently completed a study of, and have redrawn, their insurance laws into a single code which has resulted in more efficient service to the insurers and the insuring public of such States; and

Whereas, It is imperative that the statutes of this State affecting the business of insurance be studied and consolidated into an adequate and consistent whole; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that a Committee be and is hereby created to be known as the "Insurance Code Committee" to be composed of nine members consisting of the three members of the Board of Insurance Commissioners and six members of the 51st Legislature of the State of Texas, three of whom shall be members of the insurance committee of the House of Representatives to be appointed by the Speaker of the House of Representatives, and three of whom shall be members of the Insurance Committee of the Senate, to be appointed by the President of the Senate, all of whom shall serve ex-officio; the Life Insurance Commissioner shall be Chairman of the Committee; and be it further

Resolved, That it shall be the duty of the Committee to study the statutes of this State affecting the business of insurance, and to recommend

an arrangement of the statutes in appropriate chapters and articles under a single code or title, so that the whole, as far as is practicable, shall be clear, concise, adequate and consistent; that in preparation of recommendations the Committee shall seek out and remove the present overlapping and inconsistent provisions; that it shall compare the insurance codes recently enacted in other States and adopt their more desirable features; that it shall supplement and add to the articles which the Committee now considers inadequate for the protection of the public and efficient administration and supervision of the insurers; and make such editorial changes in context as is necessary in its opinion to accomplish the purposes of its study; and, be it further

Resolved, That the Board of Insurance Commissioners shall make available to the Committee the technical assistance of its employees to the extent that their ordinary duties are not interfered with; and that from time to time the Committee shall hold such public hearings as it considers necessary to afford the general public and each affected segment of the insurance industry an opportunity to present objections and recommendations and generally to be heard; and, be it further

Resolved, That there is hereby appropriated out of the contingent fund of the 51st Legislature, the sum of sixty thousand (\$60,000) dollars, or as much thereof as may be necessary to accomplish the purposes of this Resolution; that the Committee is empowered to effect its own organization, employ such professional, technical, and clerical personnel as may be needed and adopt such procedure and operate as it may deem necessary to complete the study and make the recommendations herein provided for, and such recommendations shall be submitted to the Governor of the State of Texas, with a copy thereof to the Lieutenant Governor and the Speaker of the House, as soon as practicable; and, be it further

Resolved, That the members of the Committee shall receive their reasonable expenses for meals and lodging not to exceed ten (\$10.00) dollars per day for each day actually and necessarily used in the discharge of their duties as members of the Committee; that the members of the Committee shall receive their expenses for transportation and mileage al-

lowance upon the bases set out in the General Appropriations Acts for the State Departments, and that the regularly employed personnel, whether professional, technical or clerical, of said Committee, shall be paid at the rates of salary and in the manner set by the Committee, and the travel expenses of such employees shall be governed by the regulations adopted by the Committee.

The resolution was read and was referred to the Committee on Rules.

#### Senate Resolution 45

Senator Phillips offered the following resolution:

Whereas, The Senior Class of Anahuac High School is visiting in the Capitol today; and

Whereas, It is the desire of the Senate of Texas to recognize the presence of these distinguished young citizens of the State; now, therefore, be it

Resolved, By the Senate of Texas, that the presence of our visitors from Anahuac High School be recognized and duly noted and that a copy of this resolution be forwarded the members of said Senior Class.

The resolution was read and was adopted.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senator Kelley of Hidalgo:

S. B. No. 246, A bill to be entitled "An Act repealing Senate Bill 317, Chapter 167, Acts of the Fiftieth Legislature, 1947, page 273; and declaring an emergency."

To Committee on Game and Fish.

By Senator Harris:

S. B. No. 247, A bill to be entitled "An Act amending Sections 1 to 25, inclusive, of Acts 1935, 44th Legislature, page 304, Chapter 116, the same being otherwise designated as Article 734b, Vernon's Annotated Penal Code, as amended; and repealing all parts and Sections of said Act and the amendments thereto not amended herein; making it unlawful for any person to engage in the practice of a hairdresser or cosmetologist or to operate a cosmetological school without

having first obtained a certificate of registration; making it unlawful for the owner of any hairdressing or cosmetological shop to employ certain persons to work therein who have not obtained licenses; making it unlawful for any person, firm or corporation to operate a beauty shop unless under the supervision of a licensed operator; making it unlawful for any person to operate a beauty school unless under the supervision of a licensed instructor; defining terms and providing definitions of a hairdresser, cosmetologist, school, manicurist, operator, instructor, shop, student, and the Board; defining the term Board of Hairdressers and Cosmetologists; providing for a State Board of Hairdressers and Cosmetologists, and the number of members and the manner of appointment, and the qualifications for the members of such Board; providing for the terms of office of the Board of Hairdressers and Cosmetologists, and the filling of vacancies; defining a quorum of the Board and the election of officers by the Board members; providing for the employment of an Executive Secretary by the Board, and requirement of a bond for the Executive Secretary; designating the custodian of any revenues under the provisions of this Act; providing for salaries and expenses for Board members and Executive Secretary; providing that the Board shall keep a record of proceedings, a registry of applicants for certificates, and a record of the granting and refusal of certificates; providing for examinations and the manner of the issuance of certificates and licenses; requiring health certificates and penalties for false certificates; the display of certificates and licenses; providing for the refusal to grant certificates on failure to pass examinations and to those guilty of fraud in obtaining certificates, as well as the revocation and suspension of certificates of registration and licenses under certain conditions; providing for the places, dates and times for the meeting of the Board, and providing for the taking of examinations by applicants and qualifications of applicants to be licensed under this Act; providing for the issuance and renewal of licenses issued under this Act, and providing for the extent, nature and subjects for examination to be given applicants for licenses; exempting certain persons from examinations; providing for and prescribing sanitary rules and regulations, and providing for health certificates of applicants; providing that the Board, with the approval of the State Board of Health, shall prescribe sanitary rules to prevent the spread of infectious and contagious diseases; providing for the type and character of buildings to be used as beauty shops or schools and providing for certain qualifications and exceptions; providing for clerical help and inspectors, and one investigator and the fixing of salaries and the expenses for inspectors, one investigator, and clerical help; providing for qualifications of the inspectors; providing for the inspection of beauty shops, schools and parlors; providing for the form of application made to the Board and the nature of information to be given in applications for schools of beauty culture; providing for the issuance of licenses to schools under certain conditions, and providing for a minimum space for such schools, and the type and nature of the construction of buildings, the number of rooms, the minimum number of students in classes, the minimum equipment and apparatus, and other qualifications of applicants for schools; providing the number of instructors for schools of beauty culture, rules and regulations for the operation of such schools, minimum requirements and terms for such schools, the number of hours of instruction to complete courses, school terms, methods, hours and character of instruction, and credits to be given; providing for minimum education and health requirements of students; providing qualifications for persons receiving teachers licenses, examinations to be given by the Board for teachers; prohibiting charges for work by students except under certain conditions; providing the nature and type of buildings in which beauty schools and shops are to be conducted; providing for fees accompanying applications for licenses; providing for the issuance, term and renewal of licenses; providing for application and examination fees, and fees for operators, instructors, manicurists, schools, and shop licenses and renewal fees thereof; providing the period for which licenses are issued and for reinstatement and fees for expired licenses; prohibiting the establishment and operation of itinerant beauty shops except under certain conditions; providing for hearings before the Board

upon the refusal to issue or renew or the suspension of licenses, the manner and procedure of the hearing, the order of trial, the attendance of witnesses, mileage fees, and the representation of the Board by attorneys; providing for the suspension, revocation and refusal to renew licenses by the Board, and the procedure to be followed, including giving notice of public hearing, the issuance of orders and appeals to court from such orders; enumerating and naming the causes and grounds for the suspension and revocation or the refusal to renew or issue licenses; excepting certain persons from the provisions of this Act and under certain types and cases of emergency; providing for the appropriation, use and disposition of all money collected under the provisions of this Act; providing that nothing herein shall impair or affect present funds; and providing for refunds; providing penalties and punishment therefor; providing a repealing and savings clause; and declaring an emergency."

To Committee on Public Health.

By Senator Strauss:

S. B. No. 248, A bill to be entitled "An Act to amend Sections 2 and 3 of Senate Bill 111, Chapter 61, Page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

To Committee on Banking.

By Senator Strauss:

S. B. No. 249, A bill to be entitled "An Act amending Chapter 40, Acts of the Forty-first Legislature, Regular Session, 1929, page 77, as amended, adding a new section to provide for additional regulation of the fees charged by title insurance companies, and declaring an emergency."

To Committee on Insurance.

By Senator Hudson:

S. B. No. 250, A bill to be entitled "An Act authorizing counties having an assessed valuation of not less than Forty-two Million (\$42,000,000.00) Dollars and a population of not more than four (4) persons per square mile to vote, levy, assess and collect a county-wide school maintenance tax; providing for the apportionment and administration thereof; making other provisions relating to such subject; validating all acts done, elections held

for any purpose which is authorized by this Act and validating taxes levied in such counties and providing that this Act shall not repeal but be cumulative of the provisions of Senate Bill 211, Acts 1947, 50th Legislature, Chapter 85, page 145, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Taylor:

S. B. No. 251, A bill to be entitled "An Act amending the Revised Civil Statutes of the State of Texas of 1925 by adding thereto a new Article to be known as Article 5787a, prescribing the qualifications of the Adjutant General and Assistant Adjutant General and declaring an emergency."

To Committee on State Institutions and Departments.

By Senator Taylor:

S. B. No. 252, A bill to be entitled "An Act appropriating \$960,000.00 to the Board of Control for the use of various eleemosynary institutions during the balance of the fiscal year ending August 31, 1949, for food, medicine, clothing, and other contingent items, and declaring an emergency."

To Committee on Finance.

By Senator Bracewell:

S. B. No. 253, A bill to be entitled "An Act making an emergency appropriation for the equipment, support, maintenance, and operation of The Texas State University for Negroes for the period beginning September 1, 1948, and ending August 31, 1949, and declaring an emergency."

To Committee on Finance.

By Senator Bracewell:

S. B. No. 254, A bill to be entitled "An Act authorizing and empowering the Board of Directors of The Texas State University for Negroes to erect or acquire and equip, and contract for the erection, acquisition and equipment of any buildings and fixtures, including, but not limited to, student dormitories, faculty dormitories, dining halls, libraries, student activity buildings, stadia, and gymnasias, and grounds therefor, as may be necessary for the moral welfare and social conduct of the students and faculty members; to be self-liquidating from revenues earned from the same and the facilities in same, and not to be an indebtedness of the State; authorizing



the charges, prices, rentals and fees to be fixed for the use of such buildings and facilities and supplies therein; providing for the collection and disposition of fees, prices, rentals, charges and the income therefrom; authorizing the execution, issuance, sale and refunding of bonds and notes therefor with provisions and limitations; authorizing the Board to provide rules for the operation of the dormitories; providing that the bonds shall be submitted to the Attorney General; making the bonds incontestable thereafter except for forgery and fraud; and declaring an emergency."

To Committee on Finance.

By Senator Bracewell:

S. B. No. 255, A bill to be entitled "An Act authorizing The Texas State University for Negroes to charge, use, and appropriate to its own use certain fees, receipts, gifts, and institutional funds, prescribing regulations, validating prior use of such funds, and declaring an emergency."

To Committee on Finance.

By Senator Morris:

S. B. No. 256, A bill to be entitled "An Act amending Section 7 of S. B. 269, Acts 1945, 49th Legislature, p. 629, Ch. 358, to specifically permit any person, firm or corporation to sell, install or connect any butane gas appliance without a license to do so from the Railroad Commission; and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 257, A bill to be entitled "An Act placing all state parks and all state historical parks, now under the control and custody of the State Board of Control, except the San Jacinto State Park, the San Jacinto Memorial Tower and the Battleship Texas, under the control and custody of the State Parks Board, under the authority conferred upon the State Parks Board by existing laws; providing that all laws which are in conflict, in whole or in part with this act, are hereby repealed, including Articles 677, 6074, 6075, 6076, 6077, 6077a, 6077m and 6077i, of the Revised Civil Statutes of Texas; providing for the transfer of all appropriations made for the historical parks to the State Parks Board; and declaring an emergency."

To Committee on State Affairs.

By Senators Vick and Kelley of Hidalgo:

S. B. No. 258, A bill to be entitled "An Act amending Section 1 of H. B. No. 300, Chapter 109, Acts of the Regular Session of the 50th Legislature, 1947, page 172, providing a minimum beginning salary of not less than Two Thousand, Four Hundred Dollars (\$2,400.00) for teachers with a recognized bachelor's degree in each school district in Texas; and declaring an emergency."

To Committee on Education.

By Senator Carney:

S. B. No. 259, A bill to be entitled "An Act making certain emergency appropriations for the Secretary of State to meet the additional expenses of the Secretary of State during and for the remainder of the present fiscal year ending August 31, 1949; providing the purposes and amounts of said appropriations; and declaring an emergency."

To Committee on Finance.

#### Committee Substitute

#### Senate Bill 3 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

C. S. S. B. No. 3, A bill to be entitled "An Act making appropriation for an improvement program for the Texas Prison System; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Committee Substitute

#### Senate Bill 3 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hardeman
Ashley	Harris
Bracewell	Hazlewood
Bullock	Hudson
Carney	Jones
Corbin	Kelley of Hidalgo
Cousins	Kelly of Tarrant

Lane	Phillips
Lock	Proffer
Martin	Strauss
McDonald	Taylor
Moore	Tynan
Morris	Vick

**Absent**

Moffett	Weinert
Shofner	

**Absent—Excused**

Bell	Colson
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Nays—1**

Hardeman
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**Absent**

Moffett	Weinert
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**Absent—Excused**

Bell	Colson
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**Senate Concurrent Resolution 8**

The President laid before the Senate for consideration at this time:

S. C. R. No. 8, Granting Mrs. Billie R. DuBois permission to sue the State.

The resolution was read and was adopted.

**Senate Bill 48 on Second Reading**

Senator Ashley moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 48 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Absent**

Weinert
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**Absent—Excused**

Bell	Colson
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 48, A bill to be entitled "An Act amending Article 4526 of Vernon's Revised Civil Statutes, 1925, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Ashley offered the following committee amendment to the bill:

"Amend Senate Bill No. 48, Section 1, Line 14, by changing the registration fee from Two (\$2.00) Dollars to One (\$1.00) Dollar."

The committee amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 48 on Third Reading**

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Ashley	Hardeman
Aikin	Harris
Bracewell	Hazlewood
Bullock	Hudson
Carney	Jones
Corbin	Kelley of Hidalgo
Cousins	Kelly of Tarrant

Lane	Phillips
Lock	Proffer
Martin	Shofner
McDonald	Strauss
Moffett	Taylor
Moore	Tynan
Morris	Vick

Absent

Weinert

Absent—Excused

Bell

Colson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Ashley	Lock
Aikin	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent—Excused

Bell

Colson

## Senate Bill 6 on Second Reading

Senator Kelley of Hidalgo moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 6 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Ashley	Jones
Aikin	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Corbin	Martin
Cousins	McDonald
Hardeman	Moffett
Harris	Moore
Hazlewood	Morris
Hudson	Phillips

Proffer	Taylor
Shofner	Tynan
Strauss	Vick

Nays—1

Weinert

Absent—Excused

Bell

Colson

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act amending Subsection (b) of Section 13, Article 3912e, Revised Civil Statutes of 1925, as enacted by Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature; and amending Subsection (a) of Section 15 of Article 3912e, Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature, making eligible all counties entitled to receive apportionment under the Officers' Salary Law; and declaring an emergency."

The bill was passed to engrossment by the following vote:

Yeas—27

Ashley	Lane
Aikin	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Nays—1

Weinert

Absent

Vick

Absent—Excused

Bell

Colson

## Senate Bill 6 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Ashley	Lock
Aikin	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

## Absent

Hazlewood

## Absent—Excused

Bell	Strauss
Colson	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Ashley	Lane
Aikin	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

## Nays—1

Weinert

## Absent—Excused

Bell	Strauss
Colson	

## Leave of Absence Granted

Senator Strauss was excused for the balance of the day on account of illness on motion of Senator Taylor.

## Messages From the Governor

The following messages, received from the Governor today, were laid be-

fore the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
February 21, 1949.

To the Senate of the Fifty-first Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be branch pilot for the Galveston bar and the Houston ship channel for a two year term to expire January 1, 1951: Charles W. Barfield of Houston, Harris County;

To be branch pilot for the Galveston bar and the Houston ship channel for two year term to expire January 21, 1951: J. E. McNary of Houston, Harris County;

To be branch pilot for the Galveston bar and the Houston ship channel for two year term to expire February 11, 1951: M. E. Palmer of Houston, Harris County;

To be branch pilot for the Galveston bar and the Houston ship channel for two year term to expire February 11, 1951: K. B. Plash of Houston, Harris County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

Austin, Texas,  
February 21, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments to be effective March 1, 1949:

To be Associate Justice of the Supreme Court of Texas to fill the unexpired term of Honorable Gordon Simpson, resigned (effective March 1, 1949): R. H. Harvey of Texarkana, Bowie County;

To be Judge of the Court of Civil Appeals, Sixth Supreme Judicial District to fill the unexpired term of Judge Harvey, resigned: Elmer Lincoln of Texarkana, Bowie County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

(President pro tempore in the Chair.)

## Senate Bill 213 on Second Reading

Senator Harris moved that Senate Rule 116 and Section 5 of Article III

of the State Constitution be suspended and that S. B. No. 213 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Ashley	Lane
Aikin	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Bell	Strauss
Colson	

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment:

S. B. No. 213, A bill to be entitled "An Act making an appropriation of Twelve Hundred Ninety-eight (\$1,298.00) Dollars to pay the salary of Ralph K. Gillen as Special Judge of the One Hundred and First District Court of Dallas County, Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 213 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Ashley	Hudson
Aikin	Jones
Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Corbin	Lock
Cousins	Martin
Hardeman	McDonald
Harris	Moffett
Hazlewood	Moore

Morris  
Phillips  
Proffer  
Shofner

Taylor  
Tynan  
Vick  
Weinert

Absent—Excused

Bell	Strauss
Colson	

The President pro tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Ashley	Lane
Aikin	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Bell	Strauss
Colson	

#### Senate Bill 8 on Second Reading

Senator Kelley of Hidalgo moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 8 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Ashley	Lane
Aikin	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Bell	Strauss
Colson	

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 8, A bill to be entitled "An Act amending House Bill No. 57, Chapter 442, page 1710, Acts of the 44th Legislature, Second Called Session, 1935, fixing the compensation of District Attorneys in all Judicial Districts in this state; providing such compensation shall include the Five Hundred (\$500.00) Dollars per year now allowed by the constitution; providing that District Attorneys shall not be deprived of their expense allowance; providing that in certain counties the District Attorney shall receive a salary of Six Thousand Five Hundred (\$6,500.00) Dollars per year which salary shall include the Five Hundred (\$500.00) Dollars per year provided by the constitution; providing for the disposition of fees, commissions and perquisites earned and collected by said District Attorneys; fixing the compensation of the State's Attorney before the Court of Criminal Appeals and providing the manner of payment; providing that nothing in this Act shall affect the law now in existence with reference to Assistant District Attorneys, investigators and stenographers; providing that nothing in this Act shall affect Criminal District Attorneys whose District is composed of only one (1) county; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 8 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Ashley	Jones
Aikin	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Corbin	Martin
Cousins	McDonald
Hardeman	Moffett
Harris	Moore
Hazlewood	Morris
Hudson	Phillips

Proffer  
Shofner  
Taylor

Tynan  
Vick  
Weinert

Absent—Excused

Bell  
Colson

Strauss

The President pro tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Ashley	Lock
Aikin	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Cousins

Absent—Excused

Bell  
Colson

Strauss

#### Senate Bill 120 on Second Reading

Senator Taylor moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 120 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—27

Ashley	Lock
Aikin	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

**Absent**

Cousins

**Absent—Excused**Bell  
Colson

Strauss

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 120, A bill to be entitled "An Act to amend Title 32, Chapter 3, of the Revised Civil Statutes of the State of Texas, 1925, by adding a new article thereto entitled Article 1327a, declaring and confirming the authority of directors of corporations to pay pensions and to adopt and to amend and to discontinue pension plans, including, but not limited to, the power to contract with insurance carriers with reference thereto, and the power to establish pensions trusts; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 120 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27**

Ashley	Lock
Aikin	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

**Absent**

Cousins

**Absent—Excused**Bell  
Colson

Strauss

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Ashley	Martin
Aikin	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Corbin	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

**Absent**Cousins  
Hardeman

Hazlewood

**Absent—Excused**Bell  
Colson

Strauss

**Senate Bill 61 on Second Reading**

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 61, A bill to be entitled "An Act making an emergency appropriation for the Texas Prison System; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 61 on Third Reading**

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

Ashley	Hudson
Aikin	Jones
Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Corbin	Lock
Hardeman	Martin
Harris	McDonald

Moffett	Shofner
Moore	Taylor
Morris	Tynan
Phillips	Vick
Proffer	Weinert

Absent

Cousins	Hazlewood
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Absent—Excused

Bell	Strauss
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Cousins	Hazlewood
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Absent—Excused

Bell	Strauss
Colson	

**Senate Resolution 46**

Senator Aikin offered the following resolution:

Whereas, R. L. Vickery, Mrs. Vickery, and their two sons, Bob Jr. and Ray, are visiting the Capital today, and whereas Mr. Vickery is managing editor of the Paris News, and an outstanding citizen of this State, and whereas we are delighted to have Mr. and Mrs. Vickery and their two sons as our guests; now, therefore, be it

Resolved, That they be extended the privilege of the floor for today.

The resolution was read and was adopted.

**Resolutions Signed**

The President pro tempore signed,

in the presence of the Senate after giving due notice thereof, the following resolutions:

S. C. R. No. 15, Expressing the admiration of the Legislature to the Republic of Mexico, the United States and the officials of both countries for their achievements in the eradication of the foot and mouth disease.

S. C. R. No. 17, Expressing appreciation to the Republic of Guatemala for the honor conferred upon Honorable Edwin J. Kyle.

H. C. R. No. 9, Granting each House permission to adjourn from Thursday, Jan. 20, 1949, until Monday, Jan. 24, 1949.

**Adjournment**

On motion of Senator Kelly of Tarrant, the Senate at 12:00 o'clock m. adjourned until 10:30 o'clock a.m. tomorrow.

**TWENTY-THIRD DAY**

(Tuesday, February 22, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Colson

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of